

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

## BANK OF AMERICA, N.A.

Plaintiff,

VS.

**SONRISA HOMEOWNERS  
ASSOCIATION, *et al.*,**

### Defendants.

Case No. 2:16-cv-00848-JCM-GWF

## ORDER

This matter is before the Court on Defendant Sonrisa Homeowners' Association's ("Sonrisa") Motion to Strike (ECF No. 30), filed on June 23, 2016. Defendant SFR Investments Pool 1, LLC ("SFR") filed its Response (ECF No. 37) on July 11, 2016.

Defendant Sonrisa filed its motion to dismiss (ECF No. 7) on May 9, 2016. Defendant SFR filed its limited response (ECF No. 22) to Defendant Sonrisa’s motion to dismiss on June 13, 2016. Defendant Sonrisa requests that the Court strike Defendant SFR’s limited response (ECF No. 22) to Defendant Sonrisa’s motion to dismiss. *Motion to Strike* (ECF No. 30), pg. 2. Defendant Sonrisa argues that Defendant SFR lacks prudential standing to file its limited response because it asserts defenses on behalf of Plaintiff. *Id.* at 2-3. Defendant SFR argues that it is entitled to assert its position in its limited response because Defendant SFR would be directly impacted if Defendant Sonrisa’s motion to dismiss was granted. *Response* (ECF No. 37), pg. 2.

Under Rule 12(f) of the Federal Rules of Civil Procedure, the Court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. Fed. R. Civ. P. 12(f). The essential function of a Rule 12(f) motion is to avoid the expenditure of time and money that must arise from litigating spurious issues by dispensing with those issues prior to

1 trial. *Fantasy, Inc. v. Fogerty*, 984 F.2d 1524, 1527 (9th cir. 1993), *rev'd on other grounds*, 510 U.S.  
 2 517, 114 S. Ct. 1023. Striking material pursuant to Rule 12(f) is considered a “drastic remedy” that is  
 3 “generally disfavored.” *Nevada Fair Housing Center, Inc. V. Clark County*, 565 F. Supp. 2d 1178  
 4 (D.Nev. 2008). Given their disfavored status, courts often require a showing of prejudice by the  
 5 moving party before granting the requested relief. *Roadhouse v. Las Vegas Metro. Police Dep't*, 290  
 6 F.R.D. 535, 543 (D. Nev. 2013). Whether to grant a motion to strike lies within the sound discretion  
 7 of the district court. *Id.* Motions to strike should not be granted unless it is clear that the matter to be  
 8 stricken could have no possible bearing on the subject matter of the litigation. *Banks v. Mac*, 2013  
 9 WL 323337, at \*1 (D. Nev. Jan. 28, 2013) (quoting *Bureerong v. Uvawas*, 922 F. Supp. 1450, 1478  
 10 (C.D. Cal. 1996)).

11 The Court does not find Defendant Sonrisa’s motion to strike persuasive. Defendant Sonrisa  
 12 does not identify what is “an insufficient defense” or “redundant, immaterial, impertinent, or  
 13 scandalous” in Defendant SFR’s limited response that warrants being stricken. Fed. R. Civ. P. 12(f).  
 14 Defendant Sonrisa does not clarify how Defendant SFR, a named defendant, lacks prudential standing  
 15 to respond to Defendant Sonrisa’s motion to dismiss aside from the argument that Defendant SFR  
 16 sets forth defenses on behalf of Plaintiff. *See Motion to Strike* (ECF No. 30), pg. 2. In its limited  
 17 response, however, Defendant SFR argues that the Court cannot reach the adjudication of the rights  
 18 of all parties without the inclusion of Defendant Sonrisa in this litigation. *Limited Response* (ECF  
 19 No. 22), pg. 2-3. Plaintiff has failed to meet Rule 12(f)’s standard to warrant striking Defendant  
 20 SFR’s limited response. Accordingly,

21 **IT IS HEREBY ORDERED** that Defendant’s Motion to Strike (ECF No. 30) is **denied**.

22 DATED this 28th day of July, 2016.

23   
 24 GEORGE FOLEY, JR.  
 25 United States Magistrate Judge

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